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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/554,196

10/24/2005

Hans-Peter Andra

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44012

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WRB-IP LLP  
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ALEXANDRIA, VA 22314

EXAMINER

BUCKLE JR, JAMES J

ART UNIT

PAPER NUMBER

4155

MAIL DATE

DELIVERY MODE

03/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/554,196	<b>Applicant(s)</b> ANDRA ET AL.	
	<b>Examiner</b> JAMES J. BUCKLE JR	<b>Art Unit</b> 4155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/24/2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/24/2005</u> .                                              | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6-10,12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Khelil (EP1033455).
3. Regarding claim 1, Khelil discloses (Fig. 4) an anchoring that comprises a base plate (17a), a clamping plate (17b) that can be clamped against the base plate and fixed by means of adhesion and clamping, wherein the clamping plate (17b) is supported on the base plate (17a). The examiner notes that the limitation "for strip-shaped traction elements on a supporting structure that is under tension" is intended use language and that the anchor is capable of being used for similar elements. Also, the examiner considers the clamping plate supported by the base plate to be in a positive fit in a direction of traction of a traction element (16).
4. Regarding claim 2, Khelil discloses (Fig. 4 and 5) a clamping plates (17b), where on either side of the traction element (16) there is a downwardly protruding securing tappet (24) which engages, in each case, a securing recess (20) of the base plate (17a). The examiner notes that the tappet is round and considers it to

be both downwardly and upwardly protruding as well as engaging with the recess as it is considered to be connected.

5. Regarding claim 3, Khelil discloses (Fig. 4) a clamping plate that exhibits on either side, in either case, a securing protrusion (18), which is supported, in each case against a stop (20) that is connected with the base plate (17a).
6. Regarding claim 4, Khelil discloses (Fig. 4) a clamping plate (17b), with its front surface (27) facing the direction of traction, is supported against two stops (18) that are connected with the base plate (17a).
7. Regarding claim 6, Khelil discloses a clamping plate that is considered to be engaging in the direction of traction in positive fitting support against the base plate (17a). The examiner considers the clamping plate adaptable to be fixed in position by a "positioning device" (25).
8. Regarding claim 7, Khelil discloses a positioning device (25). The examiner notes that the device is capable of being removed from the anchoring.
9. Regarding claim 8, Khelil discloses (Fig. 4) a positioning device (25) that comprises a threaded rod (18) disposed between the clamping plate (17b) and a bridge 919) that is connected with the base plate (17a).
10. Regarding claim 9, Khelil discloses (Fig. 4 and 5) a positioning device that comprises at least one wedge (18) between the base plate (17a) and the clamping plate (17a).
11. Regarding claim 10, Khelil discloses (Fig. 4) a positioning device that comprises a removable threaded collet(18).

12. Regarding claims 12-16, Khelil discloses (Fig. 4 and 5) a clamping plate (17b). The examiner notes that the limitation of "adapted to" is intended use language and adds no structure to the claim. Therefore the examiner considers the clamping plate (17b) capable of being fixed in position by a positioning device (25) that engages in the direction of traction in positive fitting support against the base plate (17a).

***Claim Rejections - 35 USC § 103***

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
14. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:
1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
15. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khelil (EP1033455) in view of Rehm et al. (U.S. Patent No. 4,448,002).
16. Regarding claim 5 and 11, Khelil discloses (Fig. 4) stops (20) connected to the

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base plate (17a) but does not expressly disclose a weld that connects the stops to the base plate. However, Rehm et al. teaches (col. 13, lines 52-57) that is know in the art to have an anchoring device that have stops (11-13) welded to a push block (47) to help distribute the load. Therefore it would have been obvious to one of ordinary skill in the art to modify the anchoring of Khelil with the stops of Rehm et al. to have stops that are welded to a base plate to distribute the load.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES J. BUCKLE JR whose telephone number is (571)270-3739. The examiner can normally be reached on Monday-Thursday, Alternating Friday 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/  
Victor Batson  
Supervisory Patent Examiner  
Art Unit 4155

JJB